IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22100 of 2004

Between:

T.Ananthamma W/o.T.Gopal
R/o.LIG-37 Housing Board Colony, Gadwal
Mahabubnagar District.

..... PETITIONER

AND

1 The District Collector Mahabubnagar District.
2 The Revenue Divisional Officer, Gadwal, Mahabubnagar District.
3 The Mandal Revenue Officer, Gadwal Mandal, Gadwal
Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ in the nature of writ of Mandamus declaring the action of the first respondent ie the District Collector, Mahabubnagar District in directing the Mandal Revenue Officer, Gadwal to prevent the petitioner in going ahead with the construction of his house in Sy.No.687 admeasuring an extent of 83.33 sq.yards in Gadwal Town, Mahabubnagar District as bad, illegal, arbitrary and oppose to law .

Counsel for the Petitioner:MR.M.VIDYASAGAR

Counsel for the Respondents.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER :

The present writ petition is filed questioning the action of the first respondent in directing the Mandal Revenue Officer, Gadwal to stop the construction of petitioner's house in Survey No.687, Gadwal, Mahaboobnagar district.

The petitioner claims to be absolute owner of the subject land, having purchased the same for a valid consideration under registered sale deed dated 13-3-2003. The petitioner contends that he has obtained valid permission from the Municipal Authorities under file No.G/8/937/03-2004 dated 26-4-2003 and proceeding with construction of a house. While so, a complaint seems to have been made to the District Collector by a Weavers Society, Gadwal, alleging that the vendor of the petitioner is proceeding with construction activity, without waiting for survey of the land and the District Collector directed the Mandal Revenue Officer to stop the construction activity of the petitioner. On stoppage of the construction, the petitioner stated to have made a representation to the District Collector on 31-7-2003 together with relevant documentary evidence, requesting to permit him to proceed with construction. It is also stated that the second respondent has conducted an enquiry and submitted a report to the District Collector, clearly stating that the land covered under Survey No.686 belongs to Endowments and survey

No.687 is a patta land and that the dispute as regards encroachment is civil in nature and the same has to be adjudicated before the competent Civil Court. On the other hand, the Weavers society contends that the petitioner has encroached into their land and proceeding with construction by obtaining permission in collusion with the Municipal Authorities.

Learned Government Pleader for Revenue submits that since the representation of the petitioner is stated to be pending consideration before the District Collector, the writ petition may be disposed of directing the District Collector to consider the matter and dispose of the representation of the petitioner expeditiously.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both the counsel agreed for disposal of the writ petition at the stage of admission.

Since the matter is seized of by the first respondent/District Collector, without expressing any opinion on the merits of the matter,
I deem it appropriate to dispose of the writ petition directing the first respondent to pass appropriate orders on the representation of the petitioner dated 31-7-2003 in accordance with law, within a period of two months from the date of receipt of copy of this order.

Subject to above, the writ petition is disposed of at the stage of admission.

_____ N.V.RAMANA,J

1-12-2004

TVK

To

1 The District Collector Mahabubnagar District.

2 The Revenue Divisional Officer, Gadwal, Mahabubnagar District.
3 The Mandal Revenue Officer, Gadwal Mandal, Gadwal Mahabubnagar District.

4. 2CCs for G.P.for Revenue, A.P.High Court Buildings,(OUT)

2. 2CD copies

*Form-NIC-OGS/WP{**MPL**}*

THE HON'BLE MR JUSTICE N.V. RAMANA

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ATE: 1-12-2004